

P23698.A04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi NOMURA

Group Art Unit : 2851

Appl. No. : 10/646,811

Examiner : David M. GRAY

Filed : August 25, 2003

Confirmation No. : 1315

For : OPTICAL ELEMENT RETRACTING MECHANISM FOR A
RETRACTABLE PHOTOGRAPHING LENS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98 and supplemental to the Information Disclosure Statements that were previously filed, Applicant hereby calls to the Examiner's attention the following documents:

In particular, Applicant notes that below-identified documents (1)-(18) were identified by a U.S. Patent Examiner in an Office Action in at least one of the following 27 co-pending, commonly assigned patent applications, of which the present application is a member: 10/646,748, 10/646,872, 10/646,824, 10/646,711, 10/646,735, 10/646,836, 10/646,871, 10/646,908, 10/646,788, 10/646,724, 10/646,736, 10/646,882, 10/646,884, 10/646,907, 10/646,835, 10/646,723, 10/646,698, 10/646,811, 10/646,771,

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10/646,860, 10/646,895, 10/646,772, 10/646,812, 10/646,859, 10/646,712, 10/646,759,
and 10/646,800:

- (1) U.S. Patent No. 4,937,609;
- (2) U.S. Patent No. 4,974,949;
- (3) U.S. Patent No. 5,099,263;
- (4) U.S. Patent No. 5,210,644;
- (5) U.S. Patent No. 5,376,983;
- (6) U.S. Patent No. 5,636,062. Applicant notes that this document has already been made of record by the Examiner in the present application;
- (7) U.S. Patent No. 5,870,232;
- (8) U.S. Patent No. 5,912,772;
- (9) U.S. Patent No. 5,926,322;
- (10) U.S. Patent No. 6,490,099;
- (11) U.S. Patent No. 6,570,718;
- (12) U.S. Patent No. 6,611,663;
- (13) U.S. Patent No. 6,711,349;
- (14) U.S. Patent No. 6,757,489;
- (15) U.S. Patent Application Publication No. 2001/0017738;
- (16) U.S. Patent Application Publication No. 2002/0181953;
- (17) U.S. Patent Application Publication No. 2003/0007796;
- (18) An English language translation of Japanese Laid-Open Patent Publication No. 2002-277719, which was published on September 25, 2002. Applicant notes that the

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Japanese document is already of record (and a copy is thus not being submitted herewith), and that this Japanese document is a family member of U.S. Patent No. 6,665,129;

Applicant also calls the following documents to the Examiner's attention:

- (19) Pentax Press News, "Pentax Optio S", February 4, 2003, together with an English language translation of the same. Applicant notes that this document is not believed to be prior art, since it was published after Applicant's priority date and since it describes Applicant's own disclosure. Applicant further believes that this document is cumulative to U.S. Patent Publication No. 2003/0156832, which is already of record. However, Applicant has provided this news release in the interest of full compliance with Applicant's duty of disclosure;
- (20) Digital CAPA March 2003, which was publicly released on February 20, 2003, together with an English language translation of the same. Applicant also notes that this document is not believed to be prior art, since it was published after Applicant's priority date and since it describes Applicant's own disclosure. Applicant further believes that this document is cumulative to U.S. Patent Publication No. 2003/0156832, which is already of record. However, Applicant has provided this article in the interest of full compliance with Applicant's duty of disclosure; and
- (21) Pentax News Release, "A High-Quality Zoom Lens Digital Camera so Small that it Fits into a Tin of Altoids", January 8, 2003. Applicant notes that this document is not believed to be prior art since it describes Applicant's own disclosure. Applicant further believes that this document is cumulative to U.S. Patent Publication No. 2003/0156832,

which is already of record. However, Applicant has provided this news release in the interest of full compliance with Applicant's duty of disclosure.

Applicant also brings to the Examiner's attention the following documents which were submitted to the U.S. Patent and Trademark Office by a third party on October 4, 2004 for the file wrapper of U.S. Patent Publication No. 2003/0156832:

(22) U.S. Patent No. 5,086,312. Applicant notes that this document was previously considered by the Examiner in a previously submitted Information Disclosure Statement;

(23) U.S. Patent No. 5,548,446;

(24) U.S. Patent No. 5,765,049. Applicant notes that this document was previously considered by the Examiner in a previously submitted Information Disclosure Statement; and

(25) Japanese Publication No. 2003-149723, together with an English language translation of the same. Applicant notes that this document was published *after* the present application's foreign priority date, and is thus not prior art. Nevertheless, in the interest of full disclosure, Applicant has provided herewith a copy of the Japanese publication and translation of the same.

Applicant also submits herewith a copy of an English language translation of an Office Action from the German Patent Office that was mailed on October 20, 2004 with respect to German Patent Application No. DE 103 52 969.1, which is a family member of commonly assigned (and duly cited) U.S. Patent Application Publication No. 2003/0156832, in which the following documents were cited:

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(26) European Patent Application Publication No. EP 0 598 703, together with patent family member U.S. Patent No. 4,952,955; and

(27) Japanese Laid-Open Patent Publication No. HEI 9-15682, together with an English language Abstract of the same.

The relevance of each document, as ascertained by the German Examiner are set forth in the German Office Action.

Applicant also submits herewith a copy of an English language translation of an Office Action from the German Patent Office that was mailed on October 19, 2004 with respect to German Patent Application No. DE 103 07 520.8, which is the parent application of above-noted German Patent Application No. DE 103 52 969.1 and is also a family member of commonly assigned U.S. Patent Application Publication No.

2003/0156832, in which the following documents were cited:

(28) U.S. Patent No. 4,937,609. Applicant notes that this document was previously cited in an Information Disclosure Statement and thus a copy is not being provided herewith;

(29) European Patent Application Publication No. EP 0 810 466, together with patent family member U.S. Patent No. 5,909,600;

(30) German Patent Application Publication No. DE 33 17 999, together with patent family member U.S. Patent No. 4,545,661; and

(31) German Patent Application Publication No. DE 196 23 066, together with patent family members U.S. Patent No. 5,790,911 and U.S. Patent No. 5,790,907.

The relevance of each document, as ascertained by the German Examiner are set forth in the German Office Action.

Applicant also calls to the Examiner's attention the following documents which were cited in Office Actions that were mailed on December 28, 2004 with respect to U.S. Patent Application No. 10/815,193 and 10/815,194:

- (32) U.S. Patent No. 4,791,441 to NISHI et al., which issued on December 13, 1988;
- (33) U.S. Patent No. 4,451,129 IKARI et al., which issued on May 29, 1984. Applicant notes that this document was previously cited in an Information Disclosure Statement;
- (34) U.S. Patent No. 3,377,427 to FISCHER, which issued on April 9, 1968;
- (35) U.S. Patent No. 5,715,482 to WAKABAYASHI et al., which issued on February 3, 1998;
- (36) U.S. Patent No. 4,597,657 to WAKABAYASHI, which issued on July 1, 1986;
- (37) Japanese Laid-Open Patent Publication No. HEI 8-313790, which was published on November 29, 1996, together with an English language abstract of the same;
- (38) Japanese Laid-Open Patent Publication No. HEI 6-230263, which was published on August 19, 1994, together with an English language abstract of the same;
- (39) Japanese Laid-Open Patent Publication No. HEI 10-254054, which was published on September 25, 1998, together with an English language abstract of the same; and
- (40) Japanese Laid-Open Patent Publication No. 2003-149723 (mentioned above).

Since this publication was already submitted in the previous Information Disclosure Statement, a copy of the same is not submitted herewith. However, since the English-

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language translation of the present abstract of this publication is from a different source than the previously-submitted translated abstract, Applicant submits herewith a copy of this English-language Abstract.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. §1.98 (a)(2)(i), copies of the U.S. patents and U.S. publications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicant respectfully requests that the Examiner consider the above material and cite the same. Copies of the documents (18), (19), (20), (21), (25)-(27), (29)-(31), (37)-(39), and the abstract of (40) are attached hereto and all of the documents are listed on the attached PTO-1449 Form. The Examiner is requested to initial the appropriate spaces on the attached Form and to return a copy of the completed Form to Applicant with the next official communication in the present application.

Further, Applicant notes that since this Supplemental Information Disclosure Statement is being submitted subsequent to the issuance of an Office Action on the merits, Applicant has included herewith a check in the amount of \$180.00 to cover the fee set forth in 37 C.F.R. §1.17 (p). However, the Commissioner is hereby authorized to charge payment of any necessary additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

Applicant further calls to the Examiner's attention U.S. Patent Application Publication No. 2004/0227844 to SAKAMOTO, which was published on November 18, 2004. Applicant notes that while the publication is not prior art to the present application

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and the claims contained therein are not understandable to the Applicant of the present application, in compliance with 35 U.S.C. §135, Applicant calls this publication to the Examiner's attention in the event that the Examiner may determine that any claims therein contain subject matter that is substantially the same as any of the claims of the present application.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

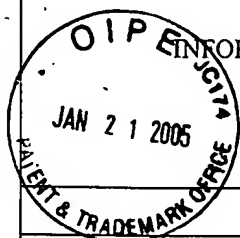
Respectfully submitted,
Hiroshi NOMURA

 William S. Boshnick
Reg. No. 44,550

Bruce H. Bernstein
Reg. No. 29,027

January 20, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P23698Application No.
10/646,811INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(Use several sheets if necessary)

Applicant
Hiroshi NOMURAFiling Date
August 25, 2003Group
2851

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4 9 3 7 6 0 9	06/26/90	WAKABAYASI et al.			
		4 9 7 4 9 4 9	12/04/90	TANAKA			
		5 0 9 9 2 6 3	03/24/92	MATSUMOTO et al.			
		5 2 1 0 6 4 4	05/11/93	NOMURA			
		5 3 7 6 9 8 3	12/27/94	YAMAZAKI et al.			
		5 6 3 6 0 6 2	06/03/97	OKUYAMA et al.			
		5 8 7 0 2 3 2	02/09/99	TSUJI et al.			
		5 9 1 2 7 7 2	06/15/99	AOKI			
		5 9 2 6 3 2 2	07/20/99	IWASAKI			
		6 4 9 0 0 9 9	12/03/02	SASAKI			
		6 5 7 0 7 1 8	05/27/03	NOMURA et al.			
		6 6 1 1 6 6 3	08/26/03	NAKAGAWA			
		6 7 1 1 3 4 9	03/23/04	DIRISIO			
		6 7 5 7 4 8 9	06/29/04	NOMURA et al.			
	2001/	0 0 1 7 7 3 8	08/30/01	NOMURA et al.			
	2002/	0 1 8 1 9 5 3	12/05/02	ICHINOKAWA			
	2003/	0 0 0 7 7 9 6	01/09/03	NOMURA et al.			
		6 6 6 5 1 2 9	12/16/03	NOMURA et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	An English language translation of Japanese Laid-Open Patent Publication No. 2002-277719, which was published on September 25, 2002.
	2	Pentax Press News, "Pentax Optio S", February 4, 2003, together with an English language translation of the same.
	3	Digital CAPA March 2003, which was publicly released on February 20, 2003, together with an English language translation of the same.
	4	Pentax News Release, "A High-Quality Zoom Lens Digital Camera so Small that it Fits into a Tin of Altoids", January 8, 2003.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P23698Application No.
10/646,811INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Hiroshi NOMURAFiling Date
August 25, 2003Group
2851

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5	5	4	8	4	4	6	08/20/96	ENOMOTO			
		4	9	5	2	9	5	5	08/28/90	IWATA et al.			
		5	9	0	9	6	0	0	06/01/99	KOSAKO			
		4	5	4	5	6	6	1	10/08/85	HAMAGUCHI et al.			
		5	7	9	0	9	1	1	08/04/98	REIBL			
		5	7	9	0	9	0	7	08/04/98	REIBL			
		4	7	9	1	4	4	1	12/13/88	NISHI et al.			
		3	3	7	7	4	2	7	04/09/68	FISCHER			
		5	7	1	5	4	8	2	02/03/98	WAKABAYASHI et al.			
		4	5	9	7	6	5	7	07/01/86	WAKABAYASHI			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	2003	-	1	4	9	7	2	3	05/21/03	JAPAN			X	
		0	5	9	8	7	0	3	05/25/94	E.P.O.				
		9	-	1	5	6	8	2	01/17/97	JAPAN				
		0	8	1	0	4	6	6	03/12/97	E.P.O.				
		3	3	1	7	9	9	9	11/24/83	GERMANY				
	1	9	6	2	3	0	6	6	12/11/97	GERMANY				
	8	-	3	1	3	7	9	0	11/29/96	JAPAN				
	6	-	2	3	0	2	6	3	08/19/94	JAPAN				
	10	-	2	5	4	0	5	4	09/25/98	JAPAN				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	5	English Language Abstract of JP 9-15682.
	6	English Language Abstract of JP 8-313790.
	7	English Language Abstract of JP 6-230263.
	8	English Language Abstract of JP 10-254054.
	9	English Language Abstract of JP 2003-149723.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.